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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA (SAN DIEGO)

9 MILLENNIUM LABORATORIES,
10 INC.,

11 Plaintiff,

12 v.
13 DARWIN SELECT INSURANCE
14 COMPANY,

15 Defendant.

16 DARWIN SELECT INSURANCE CO.,
17 and

18 ALLIED WORLD ASSURANCE
19 COMPANY (U.S.) INC.

20 Counterclaim plaintiffs,

21 v.
22 MILLENNIUM LABORATORIES,
23 INC.,

24 Counterclaim defendant.

Case No. 3:14-CV-00295-BAS-JLB

**JOINT MOTION TO DISMISS
WITH PREJUDICE**

24 In accordance with Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff
25 and Counterclaim Defendant Millennium Laboratories, Inc. (“Millennium”),
26 Defendant and Counterclaim Plaintiff Darwin Select Insurance Company
27 (“Darwin”), and Counterclaim Plaintiff Allied World Assurance Company (U.S.)

1 Inc. (“AWAC”) (collectively, the “Parties”) file this Joint Motion to Dismiss the
2 above-referenced action with prejudice, and request that the Court dismiss all of the
3 claims Millennium asserted against Darwin, and all of the counterclaims Darwin and
4 AWAC asserted against Millennium in the action with prejudice and without costs.
5 Each party to bear its own costs.

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Dated: June 1, 2018

ABELSON HERRON HALPERN LLP

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/s/ Marc D. Halpern

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Attorneys for Plaintiff and
Counterclaim Defendant Millennium
Laboratories, Inc.

1 Dated: June 1, 2018

2 HANGLEY ARONCHICK SEGAL
3 PUDLIN & SCHILLER

4 /s/ Ronald P. Schiller

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14 Counterclaim Plaintiff Darwin Select
15 Insurance Company and
16 Counterclaim Plaintiff Allied World
17 Assurance Company (U.S.) Inc.

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<div[](divdivCERTIFICATE OF SERVICE!!!!!!

2 I, Marc D. Halpern hereby certify that on June 1, 2018, the foregoing **JOINT**
3 **MOTION TO DISMISS WITH PREJUDICE** was filed electronically with the
4 Clerk of the Court using the CM/ECF system, which sent a Notification of
5 Electronic Filing to the persons at the email addresses listed immediately below.
6 The foregoing document is available for viewing and downloading from the
7 CM/ECF system. Accordingly, pursuant to the Court's Local Rule 5.4(c), I caused
8 the documents to be sent electronically from the CM/ECF system to the persons
9 listed immediately below.

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I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 1, 2018, at San Diego, California.

/s/ Marc D. Halpern
Marc D. Halpern